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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/597,572

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

PATEL, VIP

ART UNIT

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2889

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/597,572	Applicant(s) TUIN ET AL.	
	Examiner Vip Patel	Art Unit 2889	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on ____ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Specification

Specification is objected for following reasons. The illustrations on page 10, given drawing/figure in the specification, does not comply with rule 37 CFR 1.58(a). Applicant may furnish this drawing in drawings section and its brief description of the drawing in the specification per 37 CFR 1.81. Corrections are requested.

Claim Objections

Claims 10-11 are objected to because of the following. In line 2 of claim 10, "the" should be replaced with ---an---. In line 2 of claim 11, "the further" should be replaced with ---a---. Appropriate corrections are requested.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

If this application currently names joint inventors, in considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kohmoto (US 44447756) and Repsher (US 3377494) or Urata (JP 60047365A).

Regarding claims 1, 7, 8, and 12, Kohmoto discloses a low-pressure mercury vapor discharge lamp (please see sole figure) which inherently is inserted in lamp

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housing comprising a light-transmitting discharge vessel (12), a discharge space (shown but not labeled) provided with a filling of mercury and a rare gas (line 1 of column 2), discharge means (20) for maintaining a discharge in the discharge space, a luminescent layer (16) comprising a luminescent material that has inorganic softening particles with a softening point above 600°C (see 2nd paragraph of column 2: since particle material of Kohmoto is same as of applicant it inherently has similar softening point), and the size of the softening particles in the range from 0.01 to 10 µm (see last paragraph of column 3).

Kohmoto does not disclose/teach a protective layer on the inner wall of the discharge vessel. However, in the same field of endeavor, Repsher discloses such a protective layer (please see abstract and line 11 of column 4: aluminum) on inner wall of the discharge vessel. This protective layer serves as a barrier and improves the lamp performance. Alternatively, Urata also discloses such a protective layer (see abstract) for improving lamp performance.

Thus, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to provide Repsher's or Urata's protective layer in the device of Kohmoto for the purpose of serving as barrier and thus improving lamp life.

Regarding claim 2, the softening particles of Kohmoto comprise a borate and/or a phosphate of an alkaline earth metal and/or a borate and/or a phosphate of scandium, lanthanum, yttrium or a further rare earth metal (please see 2nd paragraph of column 2).

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Regarding claims 3 and 10, low-pressure mercury vapor discharge lamp as claimed in claim 2, characterized in that the alkaline earth metal of Kohmoto is calcium, strontium and/or barium (see line 15 of column 2).

Regarding claims 4 and 11, Kohmoto is further rare earth metal of Kohmoto is lanthanum, cerium and/or gadolinium (see line 17 of column 2).

Regarding claim 5, the softening particles of Kohmoto are selected from the group of strontium borate, barium borate, yttrium borate, yttrium-strontium borate and calcium pyrophosphate (see 2nd paragraph of column 2).

Regarding claim 6, Kohmoto does not disclose/teach the size of the softening particles of in the range from 0.01 to 1 μ m. However, as claimed in claim 1 which is already disclosed by the Kohmoto that particle size in range of 0.01 to 10 μ m works well for the purpose disclosed above. Thus, providing alternative size is a mere design alternative of an artisan. Alternatively, this limitation is not deemed patentable since the applicant's disclosure fails to show such limitation to solve any problems or to yield any unobvious advantage that is not within the scope of the teachings applied. Therefore, such limitations would be a matter of design alternative.

Regarding claim 9, Urata's protective layer already comprises metal borate (see abstract).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vip Patel whose telephone number is (571) 272-2458. The examiner can normally be reached on 5.30am- 2pm. If attempts to reach the

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examiner by telephone are unsuccessful, the examiner's supervisor, Toan Ton can be reached on (571) 272-2303. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/Vip Patel/
Primary Examiner
AU 2889**